

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 4, 2008

DIVISION ONE

B185907 People (Certified for Partial Publication)
v.
Orlando Chavez

The judgment of conviction is affirmed. The sentences imposed on counts 10 and 11 are stayed pursuant to section 654. The sentence is vacated to the extent it commits defendant to state prison and orders his state hospital commitment to commence upon the completion of his prison term. On remand, the trial court must first determine if defendant has regained his sanity within the meaning of section 1026. If the court determines that defendant has regained his sanity, then it shall transfer defendant to the Department of Corrections and Rehabilitation to serve his 20-year state prison term. If, on the other hand, the trial court determines that defendant has not regained his sanity, then it shall order defendant to be confined in a state hospital for the care and treatment of the mentally disordered (§ 1026, subd. (a)), which it “shall select . . . in accordance with the policies established by the State Department of Mental Health” (§ 1026, subd. (g)), and it shall stay defendant’s prison sentence. When defendant regains his sanity, he is to be transferred to the trial court for imposition of his stayed state prison sentence (§ 1026.2, subd. (m)). The clerk of the superior court is directed to prepare an amended abstract of judgment and to forward a copy to the Department of Corrections and Rehabilitation.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.
 Vogel (Miriam A.), J.

DIVISION ONE (continued)

B204604 FedEx Ground Package System Inc. (Not for Publication)

v.

Superior Court Los Angeles,
Anthony Estrada et al.

By the Court:

For these reasons, let a peremptory writ issue commanding respondent superior court to vacate its order of December 18, 2007, denying FedEx's peremptory challenge under Section 170.6(a)(2), and to issue a new and different order granting same, in Los Angeles Superior Court case No. BC210130, entitled Anthony Estrada et al. v. FedEx Ground Package System, Inc. The temporary stay order is hereby vacated. All parties shall bear their own costs.

Mallano, Acting P.J. Vogel (Miriam A.), J. Jackson, J. (Assigned)

B196957 People (Not for Publication)

v.

Joe Rudy Encinas

The judgment is affirmed.

Rothschild, J.

We concur: Vogel (Miriam A.), Acting P.J.
 Jackson, J. (Assigned)

DIVISION ONE (continued)

B196222 Jeffrey Townsend (Not for Publication)

v.

Ana Patricia Townsend

The judgment is affirmed. Respondent(s) to recover costs.

Rothschild, J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

B201374 People (Not for Publication)

v.

Anthony Angel Garcia

The judgment is affirmed.

Rothschild, J.

We concur: Mallano, Acting P.J.
 Vogel (Miriam A.), J.

DIVISION TWO

B203675 John B. (Not for Publication)

v.

Superior Court, Los Angeles County
(Department of Children and Family Services, r.p.i.)

The petition for extraordinary writ is denied. Pursuant to California Rules of Court, rule 8.264(B)(3), this opinion is made final forthwith.

Ashmann-Gerst, J.

We concur:: Boren, P.J.
 Chavez, J.

DIVISION TWO (continued)

B192662 Patrick Bertranou (Not for Publication)

v.

Kenneth Weissberg et al.,

The judgment is affirmed. Defendant(s) to recover costs.

Doi Todd, J.

We concur: Boren, P.J.

Ashmann-Gerst, J.

B185911 People

v.

Flores

Filed order denying petition for rehearing.

B188210 Milos Douda et al.,

v.

California Coastal Commission

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

B183480 Diane Harman (Not for Publication)

v.
California Federal Bank

The judgment is affirmed. Harman shall bear costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B196945 People (Not for Publication)

v.
Clarence Jones

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

B193106 Evelyn Massey (Not for Publication)

v.
Los Angeles Unified School District et al.,

The order granting defendants' motion for summary adjudication of the breach of contract cause of action is affirmed. Each party is to bear its own costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

March 4, 2008 (Continued)

DIVISION THREE (continued)

B192496 Joyce A. Starks, as Trustee etc (Not for Publication)
v.
City of Los Angeles

The judgment is affirmed. The City shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

B195705 People (Not for Publication)
v.
Earl Hobbs

The judgment of conviction is reversed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B193598 American Land Investments, LLC (Not for Publication)
v.
County of Los Angeles et al.

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
 Suzukawa, J.

March 4, 2008 (Continued)

DIVISION FOUR (continued)

B198102 People (Not for Publication)
v.
Niz

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

B193558 People (Certified for Partial Publication)
v.
Felix

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

Each of the following:

B199082 Peo v. Hernandez
B199045 City of Los Angeles v. Hensler

Argument waived, cause submitted.

DIVISION FIVE (continued)

B200879 Trustee Properties
 v.
 Sammy Williams et al

Merits:

Argued by Yevgeniya Lisitsa for for appellants and by Harold Light and Rebekah Swan for respondents. Cause submitted.

B195904 Golden Eagle Insurance Company
 v.
 Crusader Insurance

Merits:

Argued by David Dorenfeld for appellant and by Glenn White for respondent. Cause submitted.

The court recessed.

The court reconvened at 10:15 a.m.

Present: Turner, PJ., Armstrong, J., Mosk, J. and J. Belcher, deputy clerk.

B198732 Peo v. Kottenbrook

Argument waived, cause submitted.

B198637 Carmen Chung
 v.
 Van Nuys Iceland Skating Center, Inc.

Merits:

Argued by Brian Nutt for appellant and by Jason Litt, Jason Lo, Heather Ijams, Kathryn Albarian, and Donna Melby for respondents. Cause submitted.

March 4, 2008 (Continued)

DIVISION FIVE (continued)

Court recessed.

Court reconvened at 11:00 a.m.

Present: Turner, PJ, Mosk, J., Kriegler, J. and J. Belcher and D. Nolan, deputy clerks.

Each of the following:

B197843 Peo v. Dotson
B201472 Peo v. Ulises S.

Argument waived, cause submitted.

B198084 J.P. Eliopulos
 v.
 City of Palmdale

Merits:

Argued by Todd Smith for appellant and by Philip Seymour for respondents. Cause submitted.

B194405 Sharmalee Fernando
 v.
 Donald Gnanakone

Merits:

Argued by Victor Meyen for appellant and by Donald Gnanakone respondent in propria persona. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Turner, PJ, Mosk, J., Kriegler, J. and J. Belcher, deputy clerk.

DIVISION FIVE (continued)

B202795 DCFS v. Lori C.

Argument waived, cause submitted.

B199776 T & M Projects
v.
City of Long Beach

Merits:

Argued by Morton Devor for appellant and by Barry Meyers, deputy city attorney for respondent. Cause submitted.

B194562 Jessie Nava
v.
Power Chevrolet El Monte

Merits:

Argued by Gina Genatempo for appellant and by Jeanne Tollison for respondent. Cause submitted.

B198253 Mark Neville
v.
Greg Chudacoff et al.,

Merits:

Argued by Paul Ottosi for appellant and by Julia Swanson for respondent. Cause submitted.

March 4, 2008 (Continued)

DIVISION FIVE (continued)

B196321 Issa Chinn
 v.
 Kenneth Grimes et al.,

Merits:

Argued by Robert Amidon for appellant and by Nicholas Gedo for respondents. Cause submitted.

Court adjourned.

B189262 Yvonne Hammond
 v.
 County of Los Angeles et al

Filed order granting petition for rehearing.

DIVISION SIX

B180880 Adam Bros. Farming, Inc. (Not for Publication)
 v.
 County of Santa Barbara

The judgment is reversed as to the constitutional claims, but affirmed as to the injunctive and declaratory relief. The trial court is directed to enter judgment is favor of County appellants and the individual appellants regarding the constitutional claims. The County and individual appellants shall recover costs.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SIX (continued)

B175953 Holdgrafer et al., (Certified for Publication)
 v.
 UNOCAL Corp., et al.,

The judgment is affirmed as to the award of compensatory damages and reversed as to the award of punitive damages. The matter is remanded for retrial solely on punitive damages. The parties shall bear their own costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B201881 People
 v.
 Superior Court of Ventura Co.,
 (United Water Conservation Dist.)

Petition for rehearing denied.

DIVISION SEVEN

B201649 People (Not for Publication)
 v.
 Larry M.,

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
 Zelon, J.

March 4, 2008 (Continued)

DIVISION SEVEN (continued)

B200319 Los Angeles County, D.C.S.
 v.
 Julie G.

Filed order certifying opinion for publication.

B201454 Bioquest Venture Leasing
 v.
 Vovorx Autoimmune, Inc.

B204301 Bioquest Venture Leasing
 v.
 Vovorx Autoimmune, Inc.

Filed order consolidating above captioned appeals.

1000447-08

The Honorable JOHN SHEPARD WILEY, Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division SEVEN, as a justice thereof, on the following dates:

March 1, 2008 to April 30, 2008

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

February 27, 2008

Ronald M George
Chief Justice of California and
Chairperson of the Judicial Council.